

[CHAPTER 67]

AN ACT

April 22, 1943

[S. 899]

[Public Law 39]

To amend the Act approved January 2, 1942, entitled "An Act to provide for the prompt settlement of claims for damages occasioned by Army, Navy, and Marine Corps forces in foreign countries."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act of January 2, 1942 (55 Stat. 880; 31 U. S. C. 224d) be, and hereby is, amended to read as follows:

31 U. S. C., Supp.
II, § 224d.

Damages by American forces abroad.
Settlement of certain claims.

Appointment of Commissions.

Time limitation.

Regulations.

Specified settlements subject to approval.

Claims in excess of \$5,000.

Claims not allowed.

"That, for the purpose of promoting and maintaining friendly relations by the prompt settlement of meritorious claims, the Secretary of War and the Secretary of the Navy, and such other officer or officers as the Secretary of War or the Secretary of the Navy, as the case may be, may designate for such purposes and under such regulations as he may prescribe, are hereby authorized to appoint a Claims Commission or Commissions, each composed of one or more officers of the Army, Navy, or Marine Corps, as the case may be, to consider, ascertain, adjust, determine, and make payments, where accepted by the claimant in full satisfaction and in final settlement, of claims, including claims of insured but excluding claims of subrogees, on account of damage to or loss or destruction of public property both real and personal, or on account of damage to or loss or destruction of private property both real and personal or personal injury or death of inhabitants of a foreign country, including places located therein which are under the temporary or permanent jurisdiction of the United States, arising in such foreign country, including claims for damage to or loss or destruction of personal property bailed to the Government and claims for damages incident to the use and occupancy of real property, whether under a lease, express or implied, or otherwise, when such damage, loss, destruction, or injury is caused by Army, Navy, or Marine Corps forces, or individual members thereof, including military personnel and civilian employees thereof, or otherwise incident to noncombat activities of such forces, where the amount of such claim does not exceed \$5,000: *Provided*, That no claim shall be considered by such Commissions unless presented within one year after the occurrence of the accident or incident out of which such claim arises except that claims arising out of accidents or incidents occurring after December 6, 1941, but prior to May 1, 1943, may be presented at any time prior to May 1, 1944: *Provided further*, That any such settlements made by such Commissions shall be subject to such regulations as the Secretary of War or the Secretary of the Navy may prescribe and may, in cases where the amount exceeds \$2,500 but does not exceed \$5,000, be subject to the approval of such commanding or other officer of Army, Navy, or Marine Corps forces, as the case may be, as the Secretary of War or the Secretary of the Navy may prescribe; and the Secretary of War and the Secretary of the Navy, respectively, shall have authority, if he deems any claim in excess of \$5,000 to be meritorious, to certify such amount as may be found to be just and reasonable thereon to Congress as a legal claim for payment out of appropriations that may be made by Congress therefor, together with a brief statement of the character of such claim, the amount claimed, and the amount allowed: *Provided further*, That no claim of any national of any country at war with the United States, or of any ally of such enemy country, except as the Commission or the local military commander shall determine that the claimant is friendly to the United States, and no claim resulting from action by the enemy or resulting directly or indirectly from any act by our armed forces engaged in combat,

shall be allowed under this Act: *Provided further*, That any such settlements made by such Commissions under the authority of this Act shall be final and conclusive for all purposes, notwithstanding any other provision of law to the contrary.

Settlements to be final.

"SEC. 2. All payments in settlement of claims under section 1 of this Act shall be made out of the appropriation, current at the time of settlement, for 'Pay, subsistence, and transportation of naval personnel', as to claims settled by Commissions composed of officers of the Navy or Marine Corps, and out of the appropriation, current at the time of settlement, for 'Finance Service, Army', as to claims settled by Commissions composed of officers of the Army.

Funds available.

"SEC. 3. This Act shall be supplementary to, and not in lieu of, all other provisions of law authorizing consideration, ascertainment, adjustment, determination, or payment of claims by the Secretary of War and the Secretary of the Navy, respectively.

Act deemed supplementary.

"SEC. 4. This Act shall be applicable to claims not heretofore satisfied arising on or after May 27, 1941: *Provided*, That as to any claim in excess of \$1,000 this Act shall be applicable for the purpose of payment thereof, or the purpose of the certification thereof to Congress for payment, only if the accident or incident out of which such claim arises has occurred, or shall occur, subsequent to December 6, 1941.

Applicability.

"SEC. 5. The Act of April 18, 1918 (40 Stat. 532), relating to indemnity for damages caused by American forces abroad, is hereby repealed.

Act repealed.
31 U. S. C., Supp.
II, § 223a.

"SEC. 6. Claims of the type described in section 1 hereof on account of damage to or loss or destruction of property both real and personal, or personal injury or death of any person, caused by Coast Guard forces, or individual members, including military personnel and civilian employees thereof, or otherwise incident to activities of such forces, arising at any time while the Coast Guard shall be operating as a part of the Navy may be considered, ascertained, adjusted, determined, and paid in the manner in this Act provided for the settlement of Navy and Marine Corps claims, except that in such cases one or more officers of the Coast Guard may be appointed by the Secretary of the Navy to a Claims Commission or Commissions or as officers to approve settlements of claims made by such Commission or Commissions, and all payments in settlement of such claims shall be made out of the appropriation 'General expenses, Coast Guard': *Provided*, That no claims on account of damage to or loss or destruction of property, or personal injury or death, caused by Coast Guard forces, or individual members thereof, or otherwise incident to the activities of such forces, shall be considered, ascertained, adjusted, determined, or paid under the provisions of this Act at any time when the Coast Guard shall be operating under the Treasury Department.

Coast Guard.

"SEC. 7. In time of war, any claims, whether Army, Navy, Marine Corps, or Coast Guard, which may be settled under this Act may, at the request of the service concerned, be settled by any Commission or Commissions appointed under this Act even though not composed of officers of the service concerned, subject to reimbursement by the service for whom the claims were settled pursuant to the provisions of this Act."

Settlements in time of war.

Approved April 22, 1943.